



International Business Machines Corporation

Office of the Associate General Counsel
International Business Machines Corporation

Route 100, P.O. Box 100, Somers, NY 10589

November 16, 1995

Mr. Joe Cosentino, OSC
Project Manager
U.S. Environmental Protection Agency, Region II
Removal Action Branch
Emergency and Remedial Response Division
2890 Woodbridge Avenue
Edison, New Jersey 08837

Marc Seidenberg, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007

Re: Bayonne Barrel & Drum Superfund Site

Dear Sirs:

Enclosed is IBM's Response to EPA's Request for Information. As you will note, IBM has no knowledge or information that suggests the company ever sent hazardous waste to the Site or that such wastes ultimately were disposed of at the Site.

By separate request, IBM respectfully asks that any information or documents that the Government has in its possession concerning IBM's alleged association with this Site be provided to IBM pursuant to the authority of the Freedom of Information Act.

Sincerely yours,

J. K. Guerin
Senior Counsel

JKG/alg
Enclosure

466934



IBM's RESPONSE TO EPA's 104 (e) REQUEST FOR INFORMATION

1. General Information:

- a. International Business Machines Corporation**
- b. A Corporation incorporated under the laws of New York State.**
- c. The Chairman and chief executive officer of the Corporation is Louis Gerstner.**
- d. IBM has multiple subsidiaries. IBM has reviewed with these companies their relationship with Bayonne Barrel & Drum. IBM has no knowledge that these companies ever did business with Bayonne Barrel & Drum.**
- e. N/A**
- f. To the best of IBM's information and belief, IBM never did business with Bayonne Barrel & Drum.**

2. Company's Relationship to Bayonne Barrel & Drum

- a. To the best of IBM's knowledge and belief, IBM never did business with Bayonne Barrel & Drum either directly or indirectly.**
- b. N/A**

3. The following IBM personnel have knowledge relating to the Bayonne Barrel & Drum investigation:

J. K. Guerin, Esq.
IBM Corporation
Rte. 100, P.O. Box 100
Somers, NY 10589

and

Mr. Thomas Morris
IBM Corporation
Rte 100, P.O. Box 100
Somers, NY 10589

- 4. The parties consulted in responding to these inquiries are /were the environmental managers and staff personnel at IBM's plant locations with responsibility for handling the disposal of hazardous wastes/substances.**
- 5. IBM has multiple insurance policies covering a period of over 40 years. These policies are extremely numerous. IBM is prepared to permit the Government to review any policy. In general, IBM believes that it can meet its superfund obligations with or without resort to insurance indemnification.**

6. To the best of IBM's information and belief, there is no contract or agreement that would indemnify IBM for CERCLA liability at the Bayonne Barrel & Drum Site.
7. IBM has no knowledge or information that would connect or indicate that any third party sent materials to the Bayonne Barrel & Drum site.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATIONState of New YorkCounty of Westchester

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

J. K. GUERIN

NAME (print or type)

SENIOR COUNSEL

TITLE (print or type)


SIGNATURE

Sworn to me before this

15th day of November 1995
Notary Public

G. HOWARD TAYLOR
Notary Public, State of New York
No. 01TA3938500
Qualified in Putnam County
Commission Expires May 31, 1997

*Qualified in
Westchester County*

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First Class Mail

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PRJ. MGR.
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